

1 STATE OF MICHIGAN

2 IN THE CIRCUIT COURT FOR THE COUNTY OF IONIA

3

4

5 CERES FARMS, LLC, an)
6 Indiana limited liability)
7 company, and FARMLAND)
8 CAPITAL SOLUTIONS, LLC,)
9 an Indiana limited)
10 liability company,)
11)
12 Plaintiffs,) CASE NO. 21-K-34902-CB
13)
14 vs.) HON. SUZANNE HOSETH-KREEGER
15)
16 NEW HEIGHTS FARM I, LLC, a)
17 Michigan limited liability)
18 company, and NEW HEIGHTS)
19 FARM II, LLC, a Michigan)
20 limited liability company,)
21)
22 Defendants.)
23)

24)
25)

17 The Virtual Deposition of ANDY POTTER, taken

18 before me, Patricia J. Hankerd, CSR-5430, Notary

19 Public for the County of Jackson, on Thursday,

20 February 10, 2022, via ZOOM, commencing at or about

21 1:30 p.m.

22

23

24

25

CERES FARMS vs NEW HEIGHTS FARM I
POTTER, ANDY 02/10/2022

Job 17516

2

1 APPEARANCES:

2 WARDROP & WARDROP, P.C.
3 BY: THOMAS M. WARDROP
4 300 Ottawa Avenue NW, Suite 150
5 Grand Rapids, Michigan 49503
6 (616) 459-1225
7 mac@wardroplaw.com

8 Appearng Virtually on Behalf of the
9 Plaintiffs.

10 CUNNINGHAM DALMAN, PC
11 BY: RONALD J. VANDERVEEN
12 321 Settlers Road
13 Holland, Michigan 49423
14 (616) 391-1821
15 rjvv@cunninghamdalman.com

16 Appearng Virtually on Behalf of the
17 Defendants, New Heights.

18 SANDERS & ASSOCIATES, LPA
19 BY: THOMAS C. JAMES, JR.
20 8040 Hosbrook Road, Suite 202
21 Cincinnati, Ohio 45236
22 (513) 229-8080

23 Appearng Virtually on Behalf of the
24 Great American.

25 ALSO PRESENT VIRTUALLY:

26 STACY BOERSON
27 NICK BOERSON

CERES FARMS vs NEW HEIGHTS FARM I
POTTER, ANDY 02/10/2022

Job 17516
3

1 INDEX

2 EXAMINATION

3 Witness Name Page

4 ANDY POTTER

5 Examination By Mr. VanderVeen 4

6 EXHIBITS

7 Exhibit Page

8 Exhibit A Andy Potter's Report 19

9 Exhibit B Alternate Report Higher Test Weight 24

10 Exhibit C E-mail Chain 27

11 (EXHIBITS ATTACHED TO TRANSCRIPT.)

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 A. That was the e-mail or the -- I guess what was told
2 back to me. But when I was there, I said, Hey, let's
3 get everything and put everything together instead of
4 just leaving one county out.

5 Q. Okay.

6 A. It just cleans up the paperwork on my end, I guess,
7 because then I don't have questions of why am I
8 leaving this county out when this claim gets turned
9 in.

10 Q. All right. Ballpark how many -- how many claims were
11 you handling for 2019, do you recall, as an
12 adjuster?

13 A. I could ballpark it at like 75 throughout the season.
14 It might have been a little more than that, but a good
15 load of it was in the spring for all of the preventive
16 plant. And then all of those would have been worked
17 and done by the summer, and then we would have started
18 again in the fall. And I think I had, like I say, 75,
19 80 claims. Somewhere thereabouts for the year.

20 Q. How does the size of New Heights Farm I and II's
21 operation of about 9,000 acres each, how does that
22 compare to the other farms that you were working
23 claims for?

24 A. So out of everything, they were by far the largest.
25 But if you -- I mean, I don't know. I looked at it

1 as you -- you break it down by the individual
2 counties. And if you do it by individual counties,
3 then you just keep on that mentality of, you know,
4 this county, this production goes here. And you just
5 start laying it all out and breaking it all out by
6 county. I mean, the largest farm in the world a guy
7 could work it as long as the records all -- you know,
8 you could lay it out and you have a system that you
9 can work to keep keying in and make sense of it.

10 Q. Okay. Well, I guess the point I was just asking is:
11 By acre, the farming operation of New Heights Farm was
12 by far larger than the other farms you were adjusting
13 claims for; is that right?

14 A. Correct.

15 Q. And then in terms of the geographic area of the spread
16 from Ottawa County down to Van Buren somewhere in
17 Southern Michigan over to Hillsdale, geographically
18 it's by far the most spread out of any of the farms
19 you were adjusting, correct?

20 A. Correct.

21 Q. And by nature of that, they would be selling grain to
22 more different elevators than what your typical claim
23 would be that you were adjusting?

24 A. Yes. I guess you could say that. I mean, you could
25 say that -- I mean, they are making economical sense

1 background.

2 So were we, you know, turned loose on our own
3 faster than other people? Yes. But, I mean, my
4 speculation would be Great American and our supervisor
5 knew that we knew the -- the information and we knew
6 farming and we -- we could do the job that needed to
7 be done.

8 Q. When you say we, who are you talking about? You
9 and --

10 A. Yeah. I mean, me Chris Spitzley. I mean, they hired
11 in 2019 like six new adjusters if I remember right.
12 It might be a little bit more. But there were --
13 Chris Spitzley and I both came from long lines of
14 farming background, and we -- we can talk the farming.
15 You know, we understood what we needed to do. We were
16 efficient on getting our work done, and -- and they
17 let us do what we needed to do.

18 Q. So, in other words, there really wasn't any actual
19 training. They just hired you and figured you knew
20 how to do it and sent you out to do it?

21 A. No. There was -- we had to do so many hours of
22 training. But -- and we completed the hours that we
23 needed. But also there are some people that they ride
24 along a lot longer because they do not pick up on
25 things and they're -- they're not as confident going

CERES FARMS vs NEW HEIGHTS FARM I
POTTER, ANDY 02/10/2022

Job 17516
47

1 CERTIFICATE OF NOTARY

2 I, Patricia J. Hankerd, certify that this
3 deposition was taken before me on the date
4 hereinbefore set forth; and that the foregoing
5 questions and answers were recorded by me
6 stenographically; that said transcription is a true
7 and accurate transcript of the proceedings had and
8 testimony taken.

9 Before completion of the deposition, review of
10 the transcript (X) was requested. If requested, any
11 changes made by the deponent (and provided to
12 reporter) during the period allowed are appended
13 hereto.

14 I further certify that I am not interested
15 in the outcome of the action.

17 
18

19 Patricia J. Hankerd, CSR 5430
20

22 My Commission Expires: December 27, 2022
23
24
25